

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

NENA LASHAY BENSON,

§

§

Plaintiff

§

§

No. 3:22-cv-2094-BN

VS.

§

§

PHILLIPA NORWOOD and

§

NANA'S CHILD CARE,

§

Defendants.

§

**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION FOR ATTORNEY FEES**

Defendants' Phillipa Norwood and Nana's Child Care asks the Court to award attorney fees and other related nontaxable expenses. Fed. R. Civ. P. 54(d)(2).

**A. INTRODUCTION**

1. Plaintiff is Nena Lashay Benson; defendants are Phillipa Norwood and Nana's Child Care
2. Plaintiff sued defendant for Discrimination based on Race and Color.
3. On December 16, 2024 the clerk entered the judgment in favor of the Defendants after a Jury Trial.

**B. ARGUMENT**

4. For a party to recover attorney fees, it must be considered the prevailing party. The prevailing party is the party that succeeds on any significant issue in the litigation and the success provides some benefit that had been sought by the party. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); see *CRST Van Expedited, Inc. v. EEOC*, 578 U.S. 419, 422 (2016); *Lefemine v. Wideman*, 568

U.S. 1, 4 (2012). In this case Defendants are the prevailing party because the Jury found in favor of the Defendants and denied all relief requested by the Plaintiff.

5. Defendants are entitled to an award of attorney fees because:

Defendants are the prevailing defendant in a suit under the Civil Rights Act. 42 U.S.C. §§ 1988(b), 2000e-5(k). The prevailing defendant is entitled to attorney fees pursuant to the Final Judgment:

“1. Therefore, the Court orders that plaintiff, Nina Lashay Benson, take nothing by her suit, that the action be dismissed on the merits, and that defendants Phillipa Norwood and Nana’s Child Care, recover costs from plaintiff.”

6. Defendants are entitled to \$5,625.00 as attorney fees under the parties' agreement, attached as Exhibit A.

## **B. CONCLUSION**

7. For these reasons, Defendants asks the Court to award attorney fees to them.

Respectfully submitted,

/s/ Daryl G. Reid  
Daryl G. Reid  
State Bar No. 24007902  
Ross & Matthews, P.C.  
3650 Lovell Avenue  
Fort Worth, Texas 76107  
(817) 225-2000  
(817) 255-2022 (fax)  
Attorneys for Defendants

This is to certify that I have served a true copy of this report on Mr. John D. Nation, Counsel for Plaintiff, 4303 North Central Expressway, Dallas TX 75205, via electronic filing, on this 20th day of November, 2024.

/s/ Daryl G. Reid

Daryl G Reid

### AFFIDAVIT FOR ATTORNEY FEES

Before me, the undersigned notary, on this day personally appeared Daryl G Reid, the affiant, a person whose identity is known to me. After I administered an oath, affiant testified as follows:

1. "My name is Daryl G. Reid. I am competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am an attorney licensed to practice in the State of Texas and the Northern District of Texas, Fort Worth Division.
3. Defendants Phillipa Norwood and Nana's Child Care retained me to represent them in this suit for Employment Discrimination.
4. The nature of this case required that I spend Twenty (20) hours defending this case. (See attached).
5. I charged Phillipa Norwood and Nana's Child Care an hourly fee for my services on this case. These fees were reasonable for the services performed.
6. The fees I charged are those customarily charged in this area for the same or similar services by an attorney with my experience, reputation, and ability, considering the nature of the controversy, the time limits imposed, the results obtained compared with results in similar cases, and the nature and length of my relationship with the Defendants."

State of Texas

County of Tarrant

Sworn to and subscribed before me on the 27<sup>th</sup> day of December, 2024, by  
Daryl G. Reid.

  
Notary Public's Signature

(seal)

